

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LLOYD F. AUDETTE,

Plaintiff,

V.

UMASS CORRECTIONAL HEALTH PROGRAM, a program of the UNIVERSITY OF MASSACHUSETTS MEDICAL SCHOOL; KATHLEEN M. DENNEHY, Commissioner of Correction; LOIS RUSSO, Superintendent of Souza-Baranowski Correctional Center, and her predecessors and successors; AUGUSTIN ENAW, M.D.; and CHARLIE BLACK,

Defendants.

CIVIL ACTION  
NO. 05-10403-DPW

## JOINT DISCOVERY STATUS REPORT AND PROPOSED REVISED PRETRIAL SCHEDULE

Plaintiff, Lloyd Audette (“Mr. Audette”), and defendants, UMass Correctional Health, Augustin Enaw, M.D., and Charlie Black (collectively, “UMCH”), and Kathleen M. Dennehy, Commissioner of Correction, and Lois Russo, Superintendent of Souza Baranowski Correctional Center (together, “DOC”), respectfully submit the following Joint Discovery Status Report and Proposed Revised Pretrial Schedule:

## I. STATUS REPORT

1. On or about March 2, 2006, the Court entered an Order allowing the parties until May 31, 2006 to complete non-doctor, non-expert discovery; directing them to file a status report and revised pretrial schedule, and directing the parties to appear before the Court for a status conference on June 1, 2006.

2. While paper discovery has largely been completed and depositions have begun, delays in the gathering and production of documents, negotiations relative to several discovery disputes, and continuing difficulties with coordinating the schedules of witnesses and counsel for depositions have prevented the parties from completing non-doctor, non-expert discovery. As to depositions in particular, among other things, witnesses have had family obligations and military reserve commitments to fulfill that have limited their availability.

3. The parties do not believe they will be able to complete non-doctor, non-expert discovery before May 31, 2006. The parties have tentatively scheduled several depositions in June 2006, but will require additional time to complete non-doctor, non-expert discovery.

4. Following the decision of the Medical Malpractice Tribunal in March 2006, plaintiff dismissed all claims against defendant, Lorraine Hazard, M.D. The sole remaining doctor defendant is Augustin Enaw, M.D. The parties anticipate deposing a number of third party doctors involved in the treatment of plaintiff. The parties have conferred and agreed that all non-expert depositions in this matter can be completed by August 31, 2006.

## **II PROPOSED REVISED PRETRIAL SCHEDULE**

Pursuant to Local Rule 16.1(b) and the Court's March 2, 2006 Order, counsel for Mr. Audette, counsel for UMCH, and counsel for DOC have conferred and agreed on the following proposed pretrial schedule:

<b>Event</b>	<b>Date</b>
Complete all non-expert depositions	August 31, 2006
Status conference	September 11-15, 2006
Plaintiff identifies trial expert(s) and serves initial expert report(s)	September 15, 2006
Defendants identify trial expert(s) and serve initial expert reports	October 16, 2006
Parties to file dispositive motions	October 16, 2006

Plaintiff serves rebuttal expert report(s)	November 3, 2006
Complete expert depositions	December 1, 2006
Final pretrial conference	January 12, 2007

### III. OTHER MATTERS

1. A status conference in this matter is presently scheduled for June 1, 2006. The parties respectfully request that the status conference be rescheduled to the week of September 11-15, 2006. The parties believe they will be in a better position to report their progress and the next steps in this case to the Court in early September. In addition, after consulting witness schedules, the parties believe June 1, 2006 may be the next date when depositions may proceed.

Respectfully submitted,  
**LLOYD F. AUDETTE,**  
 By his attorneys,

/s/ Brandon L. Bigelow  
 Donald J. Savery, BBO #564975  
 Rheba Rutkowski, BBO #632799  
 Brandon L. Bigelow, BBO #651143  
 T. Peter R. Pound, BBO #657378  
 Bingham McCutchen LLP  
 150 Federal Street  
 Boston, MA 02110-1726  
 (617) 951-8000

Dated: May 8, 2006

Respectfully submitted,  
**UMASS CORRECTIONAL HEALTH,  
 AUGUSTIN ENAW, M.D., and CHARLES  
 BLACK,**  
 By their attorneys,

/s/ James A. Bello  
 James A. Bello, BBO# 633550  
 Lisa R. Wichter, BBO# 661006  
 Morrison Mahoney LLP  
 250 Summer Street  
 Boston, MA 02210  
 (617) 439-7500

Respectfully submitted,  
**KATHLEEN DENNEHY and LOIS RUSSO,**  
 By their attorney,

/s/ David J. Rentsch  
 David J. Rentsch, BBO# 544926  
 Department of Correction  
 70 Franklin Street, Suite 600  
 Boston, MA 02110  
 (617) 727-3300